

541 N. Foothills Plaza Dr.
Maryville, TN 37801
(865) 379-1150
(865) 379-1146 Fax

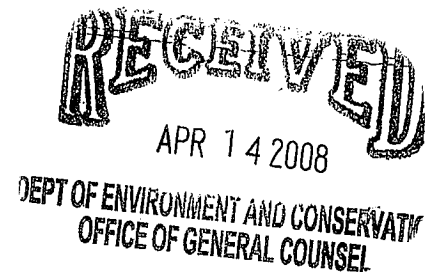
FOWLER'S FURNITURE

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410 North Peters Road
Knoxville, TN 37922
(865) 539-0036
(865) 539-1304 Fax

April 11, 2008

Mr. Mark Jordan
401 Church Street
L&C Annex 6th Floor
Nashville, TN 37243-1534



Subject: DIRECTOR'S ORDER NO. WPCO8-0042
FOWLER'S WHOLESALE WAREHOUSE
LOUDON COUNTY, TENNESSEE

Dear Mark Jordan,

When this project was started, I called the Knoxville Environmental Field Office (KEFO) to come out and look at the possibility of piping a drainage ditch on the site, which was not at the time declared waters of the state. In fact, we have drawings showing the ditch not being declared waters of the state. Following that meeting, some days later someone from KEFO came out and had a verbal confrontation with our grader. Since that time, we feel there have been unreasonable demands and times lines put on us. We were in constant communication every time they asked something of us.

On May 14th, 2007 we had a meeting at the site with Jason Mann and Baxter Wilson from the KEFO to discuss the Corrective Action Plan (CAP) which we submitted to them on May 8th, 2007. We had a very productive meeting which we felt afterwards everything had been worked out on the CAP, and we felt we could proceed. Due to the drought and the season, we did have a difficult time getting permanent erosion control in place even with our constant attempts. Afterwards, the rain set in which prolonged the process. We do, however, feel we did everything we could to keep the silt out of the stream.

On February 9th, 2008 we received a letter signed by Baxter Wilson from the KEFO stating we had not submitted a CAP to his office and that a CAP must be submitted to his office before work could be done.

On February 11, 2008 I called Baxter Wilson about the letter we received, and he stated that he signs a lot of standard form letters and that it would be best if we talked to Jason Mann. Once he transferred me to Jason Mann, he said he had received the CAP, but we had never pulled a permit. I advised him we assumed Jason Collett with MESA Associates, Engineers and Consultants, who did the plans had handled the permits. He said that he wanted a few minor details from Jason Collett with MESA to complete the plans he had. I told him I would get in touch with Jason Collett and have him to call to see what he needed. I also advised him we were checking on the measures in place to ensure erosion control, and we would take care of anything we might find.

On February 20th, 2008 Jason Collett with MESA called me back and said he has been out of town, but that he would call Jason Mann and see what he wants.

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On February 21st, 2008 Jason Collett called and advised me he had talked to Jason Mann, and he will get him what he wants. As a matter of fact, we have an email which I am enclosing dated March 17th 2008 from Jason Mann from KEFO to Jason Collett asking for additional information for the CAP that Fowler's submitted in May of 2007. So I was very surprised when on March 15th, 2008 our attorney David Hollingsworth received a Director's Order and Assessment of Civil Penalty issued by Paul E. Davis, Director of the Division of Water Pollution Control, especially when the Director's Order was dated February 29th, 2008 and signed on March 10th, 2008. As you can see even in the email dated March 17th, 2008 we were coordinating efforts under the direction of Jason Mann at the KEFO, and clearly the CAP had been submitted and being completed even though we thought they were already completed. I feel we are not guilty of anything and disagree that the ditch should be declared waters of the state. However, we are willing to continue the efforts with the state, which is very costly to us to complete the project and do what is right.

I feel we should not have to hire an attorney to deal with our own state. We wrote to the state of Tennessee a while back and released our LLLP provision. Don Fowler is the general partner. Also, there is no corporation. We are in hopes after you review this letter you will release the Director's Order. We are willing to come to Nashville or have someone come to the site to see if we can work this out. I can be reached at my office (865)539-0036 or my cell number (865)740-7965 or (865)740-7967.

Thank you.



Don Fowler

From: "Jason Mann" <Jason.Mann@state.tn.us>
To: <jcollett@mesainc.com>
Date: 3/17/2008 9:10 AM
Subject: Fowler's Corrective Action Plan (CAP)

Hello Sir,

The CAP submitted for Fowler's Wholesale Warehouse (in May of 2007) cannot be accepted as is. The following is a list of items that must be addressed before the CAP may be accepted by the Knoxville Environmental Field Office:

- 1) Turf-reinforced matting must be used along the bottom of the newly-created channel to ensure stability.
- 2) The referenced cross-vanes are not shown on the plans. Please insert a detail of the cross vanes to relieve any ambiguity as to what is expected.
- 3) Please describe the substrate of the newly-created channel.
- 4) A cross-sectional view of the channel must be submitted. This detail must show stream banks at 2:1 slopes, as well as the tree plantings that will be installed in the stream bank itself (not along the bank-full line).
- 5) There is a culvert located on the west side of the building not shown on this CAP. The culvert is currently being used to access a garage on that side of the building. Please show the current location of this culvert, describe if it will be utilized during and after the channel re-creation, and report whether or not it is needed in the future.

Please contact me via phone or email with any questions or comments.

Sincerely,

Jason Mann
TDEC - WPC
(865) 594-1077

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